



General Assembly

January Session, 2005

Committee Bill No. 123

LCO No. 4642

04642SB00123GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE EXPIRATION OF GIFT CARDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 3-56a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 As used in this part, unless the context otherwise requires:

4 (1) "Apparent owner" means the person whose name appears on the
5 records of the holder as the person entitled to the property held, issued
6 or owing by the holder;

7 (2) "Banking organization" means any state bank and trust
8 company, national banking association or savings bank engaged in
9 business in this state;

10 (3) "Business association" means a corporation, joint stock company,
11 partnership, unincorporated association, joint venture, limited liability
12 company, business trust, trust company, safe deposit company,
13 financial organization, insurance company, person engaged in the
14 business of operating or controlling a mutual fund, utility or other
15 business entity consisting of one or more persons, whether or not for

16 profit;

17 (4) "Financial organization" means any savings and loan association,
18 credit union or investment company;

19 [(5) "Gift certificate" means a record evidencing a promise, made for
20 consideration, by the seller or issuer of the record that goods or
21 services will be provided to the owner of the record to the value shown
22 in the record and includes, but is not limited to, a record that contains
23 a microprocessor chip, magnetic stripe or other means for the storage
24 of information that is prefunded and for which the value is
25 decremented upon each use, a gift card, an electronic gift card, stored-
26 value card or certificate, a store card, or a similar record or card, but
27 "gift certificate" does not include prepaid calling cards regulated under
28 section 42-370 or prepaid commercial mobile radio services, as defined
29 in 47 C.F.R. Sec. 20.3;]

30 [(6)] (5) "Holder" means any person in possession of property
31 subject to this part which belongs to another, or who is trustee in case
32 of a trust, or who is indebted to another on an obligation subject to this
33 part;

34 [(7)] (6) "Insurance company" means an association, corporation or
35 fraternal or mutual benefit organization, whether or not for profit,
36 engaged in the business of providing life endowments, annuities or
37 insurance, including accident, burial, casualty, credit life, contract
38 performance, dental, disability, fidelity, fire, health, hospitalization,
39 illness, life, malpractice, marine, mortgage, surety, wage protection
40 and workers' compensation insurance;

41 [(8)] (7) "Last-known address" means a description of the location of
42 the apparent owner sufficient for the purpose of delivery of mail;

43 [(9)] (8) "Mineral" means gas; oil; other gaseous, liquid, and solid
44 hydrocarbons; oil shale; cement material; sand and gravel; road
45 material; building stone; chemical raw material; gemstone; fissionable

46 and nonfissionable ores; colloidal and other clay; steam and other
47 geothermal resource; or any other substance defined as a mineral by
48 the law of this state;

49 [(10)] (9) "Mineral proceeds" means amounts payable for the
50 extraction, production or sale of minerals, or, upon the abandonment
51 of those payments, all payments that become payable thereafter, and
52 "mineral proceeds" includes amounts payable: (A) For the acquisition
53 and retention of a mineral lease, including bonuses, royalties,
54 compensatory royalties, shut-in royalties, minimum royalties and
55 delay rentals; (B) for the extraction, production or sale of minerals,
56 including net revenue interests, royalties, overriding royalties,
57 extraction payments and production payments; and (C) under an
58 agreement or option, including a joint operating agreement, unit
59 agreement, pooling agreement and farm-out agreement;

60 [(11)] (10) "Owner" means a depositor in case of a deposit, a
61 beneficiary in case of a trust, a creditor, claimant or payee in case of
62 other choses in action, or any person having a legal or equitable
63 interest in property subject to this part, or such person's legal
64 representative;

65 [(12)] (11) "Person" means any individual, business association,
66 estate, trust, government, governmental subdivision, agency or
67 instrumentality, or any other legal or commercial entity;

68 [(13)] (12) "Property" means realty or personalty, tangible or
69 intangible;

70 [(14)] (13) "Record" means information that is inscribed on a tangible
71 medium or that is stored in an electronic or other medium and is
72 retrievable in perceivable form;

73 [(15)] (14) "Treasurer" means the Treasurer of the state of
74 Connecticut; and

75 [(16)] (15) "Utility" means a person who owns or operates for public

76 use any plant, equipment, real property, franchise or license for the
77 transmission of communications or the production, storage,
78 transmission, sale, delivery or furnishing of electricity, water, steam or
79 gas.

80 Sec. 2. Section 3-65c of the general statutes is repealed and the
81 following is substituted in lieu thereof (*Effective October 1, 2005*):

82 A holder of a gift certificate or property subject to this part may not
83 impose on the property a dormancy charge or fee, abandoned property
84 charge or fee, unclaimed property charge or fee, escheat charge or fee,
85 inactivity charge or fee, or any similar charge, fee or penalty for
86 inactivity with respect to the property. Neither the property nor an
87 agreement with respect to the property may contain language
88 suggesting that the property may be subject to such a charge, fee or
89 penalty for inactivity. The provisions of this section shall not apply to
90 property subject to subdivision (1), (2), (3) or (5) of subsection (a) of
91 section 3-57a, provided a holder of any such property may not impose
92 an escheat charge or fee with respect to such property. For purposes of
93 this section, "gift certificate" means a record evidencing a promise,
94 made for consideration, by the seller or issuer of the record that goods
95 or services will be provided to the owner of the record to the value
96 shown in the record and includes, but is not limited to, a record that
97 contains a microprocessor chip, magnetic stripe or other means for the
98 storage of information that is prefunded and for which the value is
99 decremented upon each use, a gift card, an electronic gift card, stored-
100 value card or certificate, a store card, or a similar record or card. "Gift
101 certificate" does not include prepaid calling cards regulated under
102 section 42-370 or prepaid commercial mobile radio services, as defined
103 in 47 C.F.R. 20.3.

104 Sec. 3. Section 3-60d of the general statutes is repealed. (*Effective*
105 *October 1, 2005*)

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	3-56a
Sec. 2	<i>October 1, 2005</i>	3-65c
Sec. 3	<i>October 1, 2005</i>	3-60d repealed

Statement of Purpose:

To prevent gift certificates from escheating to the state if they are not used within three years of their purchase date.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. COLAPIETRO, 31st Dist.; REP. KIRKLEY-BEY, 5th Dist.

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